

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re: :
:
JERRY JOHNSON : Chapter 13
:
Debtor : Bankruptcy No. 24-12610-PMM

TRUSTEE'S OBJECTION TO CLAIM OF EXEMPTIONS UNDER 11 U.S.C. §522(d)(1)

Scott F. Waterman, Esq., Standing Chapter 13 Trustee, hereby objects to the Debtor's claim of exemptions as follows:

1. The Debtor, Jerry Johnson (herein referred to as "Debtor"), filed for Chapter 13 Bankruptcy on July, 30, 2024.
2. In his Chapter 13 Petition Debtor identifies his residence as 557 Chester Street, Lancaster, Pennsylvania.
3. Even though it is not his residence, Debtor exempted real estate located at 9 Locust Street, Lancaster, using the 11 U.S.C. §522(d)(1) exemption.
4. Exemptions are determined as of the time of the commencement of the bankruptcy, and if the Debtor did not reside in a second or vacation property at the time of the filing, the Debtor cannot use the §522(d)(1) exemption for that purpose. See In re Tompko, 87 B.R. 372 (Bankr.E.D. Pa. 1988)(denying use of 11 U.S.C. §522(d)(1) exemption for vacation property); See also In re Prestia, 655 B.R. 859 (Bankr.W.D. Pa. 2024)(denying §522(d)(1) homestead exemption for property not the debtor's residence upon date of filing where the debtor had no intention to reoccupy in the future).

WHEREFORE, Scott F. Waterman, Esq., Standing Chapter 13 Trustee, respectfully requests that his Objection should be sustained and the Debtor's §522(d)(1) exemption on the property located at 9 Locust Street, Lancaster, PA 17602 be disallowed.

Respectfully submitted,

Date: November 18, 2024

/s/ Rolando Ramos-Cardona
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for
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Standing Chapter 13 Trustee
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